

**STATE OF MICHIGAN
MICHIGAN ADMINISTRATIVE HEARING SYSTEM
ADMINISTRATIVE HEARINGS FOR THE
DEPARTMENT OF HUMAN SERVICES**

IN THE MATTER OF:

[REDACTED]

Reg. No.: 2014-20963
Issue No(s): 2002, 2010, 3002, 5001
Case No.: [REDACTED]
Hearing Date: January 30, 2014
County: Bay County DHS

ADMINISTRATIVE LAW JUDGE: Colleen Lack

HEARING DECISION

Following Claimant's request for a hearing, this matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9 and 400.37; 7 CFR 273.15 to 273.18; 42 CFR 431.200 to 431.250; 45 CFR 99.1 to 99.33; and 45 CFR 205.10. After due notice, a telephone hearing was held on January 30, 2014, from Lansing, Michigan. Participants on behalf of Claimant included [REDACTED] the Claimant. Participants on behalf of the Department of Human Services (Department) included [REDACTED] Eligibility Specialist.

ISSUES

Did the Department properly determine the Claimant's eligibility for State Emergency Relief (SER)?

Did the Department properly close the Claimant's Adult Medical Program (AMP) and Food Assistance Program (FAP) cases based on a failure to comply with verification requirements?

FINDINGS OF FACT

The Administrative Law Judge, based on the competent, material, and substantial evidence on the whole record, finds as material fact:

1. On November 4, 2013, the Claimant applied for SER for heat-natural gas/wood/other; water or sewage; and non-heat electricity.
2. The Department determined the Claimant was not eligible for SER based on an asset. The Department's system determined a co-payment amount of \$ [REDACTED] for the non-heat electricity.
3. On November 13, 2013, a State Emergency Relief Decision Notice was issued to the Claimant.
4. The Claimant was a recipient of AMP and FAP.

5. On December 3, 2013, a Verification Checklist was issued to the Claimant stating verification of bank accounts was needed by the December 13, 2013 due date.
6. On December 23, 2013, a Notice of Case Action was issued to the Claimant stating the AMP case would close effective January 1, 2014 and the FAP case would close effective February 1, 2014 based on the failure to provide verifications.
7. On January 3, 2014, the Claimant filed a request for hearing contesting the Department's actions.

CONCLUSIONS OF LAW

Department policies are contained in the Department of Human Services Bridges Administrative Manual (BAM), Department of Human Services Bridges Eligibility Manual (BEM), Department of Human Services Reference Tables Manual (RFT), and Department of Human Services Emergency Relief Manual (ERM).

SER

The State Emergency Relief (SER) program is established by the Social Welfare Act, MCL 400.1-.119b. The SER program is administered by the Department (formerly known as the Family Independence Agency) pursuant to MCL 400.10 and by Mich Admin Code, R 400.7001 through R 400.7049.

The SER group must use countable cash assets to assist in resolving their emergency. The protected cash asset limit is \$50. The first \$50 of an SER group's cash assets is excluded. The amount in excess of the protected cash asset limit is deducted from the cost of resolving the emergency and is called the asset copayment. ERM 205.

The Eligibility Specialist explained that the Claimant was not eligible for SER based on an asset, specifically a 401k. The Eligibility Specialist testified that rather than denying all the requested SER services, the Department's computer system determined a copayment for a co-payment amount of \$ [REDACTED] for the non-heat electricity. (See Exhibit A, page 4) It is noted that there appear to be errors on the State Emergency Relief Decision Notice in stating what the eligibility determinations were. However, due to the 401k asset, the Claimant's copayment amount of \$ [REDACTED] was greater than the amount needed to resolve the emergencies that were the basis for the SER request. Accordingly, the determination that the Claimant was not eligible for SER must be upheld.

AMP and FAP

The Food Assistance Program (FAP) [formerly known as the Food Stamp program] is established by the Food Stamp Act of 1977, as amended, 7 USC 2011 to 2036a and is implemented by the federal regulations contained in 7 CFR 271.1 to 285.5. The Department (formerly known as the Family Independence Agency) administers FAP pursuant to MCL 400.10 and Mich Admin Code, R 400.3001 to .3015.

The Medical Assistance (MA) program is established by the Title XIX of the Social Security Act, 42 USC 1396-1396w-5, and is implemented by 42 CFR 400.200 to 1008.59. The Department of Human Services (formerly known as the Family Independence Agency) administers the MA program pursuant to MCL 400.10 and MCL 400.105.

The Adult Medical Program (AMP) is established by 42 USC 1315 and is administered by the Department pursuant to MCL 400.10.

Additionally, a Claimant must cooperate with the local office in determining initial and ongoing eligibility, including completion of necessary forms, and must completely and truthfully answer all questions on forms and in interviews. BAM 105.

Verification is usually required upon application or redetermination and for a reported change affecting eligibility or benefit level. Verifications are considered timely if received by the date they are due. The Department must allow a client 10 calendar days (or other time limit specified in policy) to provide the requested verification. The Department worker must tell the client what verification is required, how to obtain it, and the due date. The client must obtain required verification, but the Department must assist if the client needs and requests help. If neither the client nor the Department can obtain verification despite a reasonable effort, the Department worker should use the best available information. If no evidence is available, the Department worker is to use their best judgment. The Department is to send a case action notice when the client indicates refusal to provide a verification, or the time period given has elapsed and the client has not made a reasonable effort to provide it. BAM 130.

For MA, if the client cannot provide the verification despite a reasonable effort, the time limit can be extended up to three times. For FAP, if the client contacts the Department prior to the due date requesting an extension or assistance in obtaining verifications, the Department must assist them with the verifications but not grant an extension. The Department worker must explain to the client they will not be given an extension and their case will be denied once the due date is passed. Also, the Department worker shall explain their eligibility and it will be determined based on their compliance date if they return required verifications. BAM 130.

On December 3, 2013, a Verification Checklist was issued to the Claimant stating verification of bank accounts was needed by the December 13, 2013 due date. The Eligibility Specialist testified by that the due date, the verifications were not provided and the Claimant had not requested any assistance with obtaining the verifications or extensions of the due date. Accordingly, on December 23, 2013, a Notice of Case Action was issued to the Claimant stating the AMP case would close effective January 1, 2014 and the FAP case would close effective February 1, 2014 based on the failure to provide verifications.

The Claimant's testimony indicated that after he spoke with the Eligibility Specialist, he turned in a bank statement, but it was for the wrong time period. The Eligibility Specialist credibly testified this only occurred a week or two prior to the January 30, 2014 hearing date. The Claimant explained that at the time the verifications were due

he was overwhelmed with everything that was going on, including a Social Security Administration application process.

The evidence establishes that the Department allowed 10 days to provide the requested verification, told the client what verifications were required, how to obtain it, and the due date. By the December 13, 2013 due date, the Claimant did not provide the requested verifications of his bank accounts nor did he make any requests for an extension or for assistance with obtaining verifications. Accordingly, the Department's determination to close Claimant's the AMP and FAP cases must be upheld.

The Administrative Law Judge, based on the above Findings of Fact and Conclusions of Law, and for the reasons stated on the record, if any, finds that the Department acted in accordance with Department policy when it determined the Claimant was not eligible for SER and when it closed the Claimant's AMP and FAP cases.

DECISION AND ORDER

Accordingly, the Department's decisions are **AFFIRMED**.



Colleen Lack
Administrative Law Judge
for Maura Corrigan, Director
Department of Human Services

Date Signed: February 7, 2014

Date Mailed: February 7, 2014

NOTICE OF APPEAL: The claimant may appeal the Decision and Order to Circuit Court within 30 days of the receipt of the Decision and Order or, if a timely Request for Rehearing or Reconsideration was made, within 30 days of the receipt date of the Decision and Order of Reconsideration or Rehearing Decision.

Michigan Administrative Hearing System (MAHS) may order a rehearing or reconsideration on either its own motion or at the request of a party within 30 days of the mailing date of this Decision and Order. MAHS will not order a rehearing or reconsideration on the Department's motion where the final decision cannot be implemented within 90 days of the filing of the original request (60 days for FAP cases).

A Request for Rehearing or Reconsideration may be granted when one of the following exists:

- Newly discovered evidence that existed at the time of the original hearing that could affect the outcome of the original hearing decision;
- Misapplication of manual policy or law in the hearing decision which led to a wrong conclusion;
- Typographical, mathematical or other obvious error in the hearing decision that affects the rights of the client;
- Failure of the ALJ to address in the hearing decision relevant issues raised in the hearing request.

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The Department, AHR or the claimant must specify all reasons for the request. MAHS will not review any response to a request for rehearing/reconsideration. A request must be *received* in MAHS within 30 days of the date the hearing decision is mailed.

The written request must be faxed to (517) 335-6088 and be labeled as follows:

Attention: MAHS Rehearing/Reconsideration Request

If submitted by mail, the written request must be addressed as follows:

Michigan Administrative Hearings
Reconsideration/Rehearing Request
P.O. Box 30639
Lansing, Michigan 48909-07322

CL/hj

cc:

